

22mj.906

# SEALED

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COUNSEL/PARTIES OF RECORD	
NOV 18 2022	
CLERK US DISTRICT C. • I	
DISTRICT OF NEVADA	
BY:	DEPUTY



## UNITED STATES DISTRICT COURT

EASTERN

District of

TEXAS

UNITED STATES OF AMERICA

V.

Eugene Elfrank

To: The United States Marshal  
and any Authorized United States OfficerYOU ARE HEREBY COMMANDED to arrest Eugene Elfrank

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment   
 ☐ Information   
 ☐ Complaint   
☒ Order of court   
☐ Probation Violation Petition   
☐ Supervised Release Violation Petition   
☐ Violation Notice

charging him or her with (brief description of offense)

Failure to Appear for Court Hearing as required by the Conditions of Release.

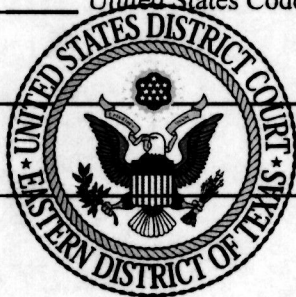
in violation of Title 18 United States Code, Section(s) 3146(a)(1)

DAVID A. O'TOOLE

Name of Issuing Officer

CLERK

Title of Issuing Officer



Signature of Issuing Officer

Sherman

Date

Location

## RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

WARRANT FOR ARREST

FILED  
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Case Number: 4:22-cr-00153-SDJ-CAN-3

NOV 18 2022

CLERK US DISTRICT COURT  
DISTRICT OF NEVADA

BY:

DEPUTY

22mj 906



AO 467 (Rev. 01/09) Order Requiring a Defendant to Appear in the District Where Charges are Pending and Transferring Bail

## UNITED STATES DISTRICT COURT

for the

District of Nevada

22mj 906

United States of America

v.

EUGENE ELFRANK

Defendant

Case No. ~~2:22-mj-502-EJY~~

Charging District: Eastern District of Texas

Charging District's Case No. 4:22-cr-153-SDJ-CAN

**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT  
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place: United States Courthouse – Annex 200 North Travis Street Room Mezzanine Sherman, TX 75090	Courtroom No.: TBD
	Date and Time: TBD

The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date: June 24, 2022



Judge's signature

NANCY J. KOPPE, United States Magistrate Judge

Printed name and title

FILED	RECEIVED
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COUNSEL/PARTIES OF RECORD	
JUN 24 2022	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____



AO 98 (Rev. 12/11) Appearance Bond

<input type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
JUN 24 2022	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

## UNITED STATES DISTRICT COURT

for the

District of Nevada

United States of America )

v. )

EUGENE ELFRANK )

Defendant )

Case No. 2:22-mj-502-EJY

## APPEARANCE BOND

## Defendant's Agreement

I, EUGENE ELFRANK (*defendant*), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- ( ☒ ) to appear for court proceedings;  
 ( ☒ ) if convicted, to surrender to serve a sentence that the court may impose; or  
 ( ☒ ) to comply with all conditions set forth in the Order Setting Conditions of Release.

## Type of Bond

- ( ☒ ) (1) This is a personal recognizance bond.
- ( ) (2) This is an unsecured bond of \$ \_\_\_\_\_.
- ( ) (3) This is a secured bond of \$ \_\_\_\_\_, secured by:
- ( ) (a) \$ \_\_\_\_\_, in cash deposited with the court.
- ( ) (b) the agreement of the defendant and each surety to forfeit the following cash or other property  
*(describe the cash or other property, including claims on it — such as a lien, mortgage, or loan — and attach proof of ownership and value):*

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- ( ) (c) a bail bond with a solvent surety *(attach a copy of the bail bond, or describe it and identify the surety):*

## Forfeiture or Release of the Bond

*Forfeiture of the Bond.* This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.



UNITED STATES DISTRICT COURT

for the  
District of Nevada

United States of America

v.

EUGENE ELFRANK

Defendant

Case No. 2:22-mj-502-EJY

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: \_\_\_\_\_

Place

on \_\_\_\_\_

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.



( ) (22) The defendant shall maintain residence at ( ) current address, or ( ) at: \_\_\_\_\_  
and may not move prior to obtaining permission from the Court, Pretrial Services or the supervising officer.

( ) (23) The defendant shall maintain residence at a halfway house or community corrections center as Pretrial Services or the supervising officer considers necessary.

( ) (24) The defendant shall pay all or part of the costs for residing at the halfway house or community corrections center based upon his/her ability to pay as Pretrial Services or the supervising officer determines.



( ) (25) The defendant shall return to custody each (week) day at \_\_\_\_\_ o'clock after being released each (week) day at \_\_\_\_\_ o'clock for employment, schooling, or the following purpose(s): \_\_\_\_\_

**EMPLOYMENT**

- ( ) (26) The defendant shall maintain or actively seek lawful and verifiable employment and notify Pretrial Services or the supervising officer prior to any change.
- ( ) (27) The defendant shall not be employed in, or be present in, any setting directly involving minor children.
- ( ) (28) The defendant shall not secure employment in the following field(s): \_\_\_\_\_
- ( ) (29) The defendant is prohibited from employment/self-employment in a setting where he/she has access to financial transactions or the personal identifiers of others.

**EDUCATION/VOCATION**

- ( ) (30) The defendant shall maintain or commence an education or vocational program as directed by Pretrial Services or the supervising officer.

**CONTACT**

- (✓) (31) The defendant shall avoid all contact directly or indirectly with any person who is or may become a victim or potential witness in the investigation or prosecution, (including but not limited to: List to be provided \_\_\_\_\_).
- (✓) (32) The defendant shall avoid all contact directly or indirectly with co-defendant(s) unless it is in the presence of counsel.
- ( ) (33) The defendant is prohibited from contact with anyone under the age of 18, unless in the presence of a parent or guardian who is aware of the alleged instant offense.
- ( ) (33B) The defendant is prohibited from entering or remaining at any place primarily used by children under the age of 18, unless he/she has the express prior permission of his/her Pretrial Services Officer or supervising officer. Examples of such prohibited places include parks, schools, playgrounds, and child care facilities.
- ( ) (34) The defendant shall report as soon as possible to Pretrial Services or the supervising officer any contact with law enforcement personnel, including but not limited to any arrest, questioning, or traffic stop.

**FIREARMS/WEAPONS**

- ( ) (35) The defendant shall refrain from possessing a firearm, destructive device, or other dangerous weapons.
- ( ) (36) Any firearms and/or dangerous weapons shall be removed from the defendant's possession by another responsible adult within 24 hours of release from custody.
- ( ) (37) The defendant shall provide written proof that his/her access to and possession of said firearm and/or dangerous weapon(s) has been discontinued. The written proof shall be provided to Pretrial Services or the supervising officer.

**SUBSTANCE USE TESTING AND TREATMENT**

- ( ) (38) The defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802 unless prescribed by a licensed medical practitioner. This includes Marijuana and/or any item containing THC.
- ( ) (39) The defendant shall refrain from any use of alcohol.
- ( ) (40) The defendant shall refrain from the excessive use of alcohol.
- ( ) (41) The defendant shall refrain from the use or possession of synthetic drugs or other such intoxicating substances.
- ( ) (42) The defendant shall submit to an initial urinalysis. If positive, then (43) applies.
- ( ) (43) The defendant shall submit to any testing required by Pretrial Services or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and may include urine testing, a remote alcohol testing system and/or any form of prohibited substance screening or testing. The defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is/are required as a condition of release.
- ( ) (44) The defendant shall pay all or part of the cost of the testing program based upon his/her ability to pay as Pretrial Services or the supervising officer determines.
- ( ) (45) The defendant shall not be in the presence of anyone using or possessing:
- ( ) (45A) A narcotic drug or other controlled substances
  - ( ) (45B) Alcohol
  - ( ) (45C) Intoxicating substances or synthetics
- ( ) (46) The defendant shall participate in a program of inpatient or outpatient substance abuse therapy and counseling if Pretrial Services or the supervising officer considers it advisable.
- ( ) (47) The defendant shall pay all or part of the cost of the substance abuse treatment program or evaluation based upon his/her ability to pay as determined by Pretrial Services or the supervising officer.

**MENTAL HEALTH TREATMENT**

- ( ) (48) The defendant shall submit to a mental health evaluation as directed by Pretrial Services or the supervising officer.
- ( ) (49) The defendant shall participate in mental health treatment as directed by Pretrial Services or the supervising officer.
- ( ) (50) The defendant shall pay all or part of the cost of the medical or psychiatric treatment program or evaluation based upon his/her ability to pay as determined by Pretrial Services or the supervising officer.



**LOCATION MONITORING**

( ) (51) The defendant shall participate in one of the following location monitoring program components and abide by its requirements as Pretrial Services or the supervising officer instructs.

( ) (51A) Curfew.

The defendant is restricted to his/her residence every day from to and/or a time schedule deemed appropriate by Pretrial Services or the supervising officer.

( ) (51B) Home Detention.

The defendant is restricted to his/her residence at all times except for employment; education; religious services; medical, substance abuse or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities preapproved by Pretrial Services or the supervising officer.

( ) (51C) Home Incarceration.

The defendant is restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court.

( ) (52) The defendant shall submit to the type of location monitoring technology indicated below and abide by all of the program requirements and instructions provided by Pretrial Services or the supervising officer related to the proper operation of the technology.

( ) (52A) Location monitoring technology as directed by Pretrial Services or the supervising officer.

( ) (52B) Voice Recognition monitoring.

( ) (52C) Radio Frequency (RF) monitoring.

( ) (52D) Global Positioning Satellite (GPS) monitoring.

( ) (53) The defendant shall not tamper with, damage, or remove the monitoring device and shall charge the said equipment according to the instructions provided by Pretrial Services or the supervising officer.

( ) (54) The defendant shall pay all or part of the cost of the location monitoring program based upon his/her ability to pay as determined by Pretrial Services or the supervising officer.

**INTERNET ACCESS AND COMPUTERS**

( ) (55) The defendant shall not have access to computers or connecting devices which have Internet, Instant Messaging, IRC Servers and/or the World Wide Web, including but not limited to: PDA's, Cell Phones, iPods, iPads, Tablets, E-Readers, Wii, PlayStation, Xbox or any such devices, at home, place of employment, or in the community.

( ) (56) The defendant must not access the Internet except for the purpose(s) marked below:

( ) 56A. Employment

( ) 56B. Banking/Bill Paying

( ) 56C. Other \_\_\_\_\_

( ) (57) The defendant must submit his/her computers (as defined in 18 U.S.C. § 1030(e)(1)) or other electronic communications or data storage devices or media, to a search. The defendant must warn any other people who use these computers or devices capable of accessing the Internet that the devices may be subject to searches pursuant to this condition. A Pretrial Services Officer, or supervising officer may conduct a search pursuant to this condition only when reasonable suspicion exists that there is a violation of a condition of supervision and that the computer or device contains evidence of this violation. Any search will be conducted at a reasonable time and in a reasonable manner.

( ) (58) The defendant must allow Pretrial Services or the supervising officer to install computer monitoring software on any computer and/or internet capable device (as defined in 18 U.S.C. § 1030(e)(1)) he/she uses.

( ) (59) To ensure compliance with the computer monitoring condition, the defendant must allow the Pretrial Services Officer or supervising officer to conduct initial and periodic unannounced searches of any computers (as defined in 18 U.S.C. § 1030(e)(1)) subject to computer monitoring. These searches shall be conducted to determine whether the computer contains any prohibited data prior to installation of the monitoring software, whether the monitoring software is functioning effectively after its installation, and whether there have been attempts to circumvent the monitoring software after its installation. The defendant must warn any other people who use these computers that the computers may be subject to searches pursuant to this condition.

( ) (60) The defendant shall refrain from possession of pornography or erotica in any form or medium.

( ) (61) The defendant shall pay all or part of the cost of the internet monitoring software upon his/her ability to pay as determined by Pretrial Services or the supervising officer.

( ) (62) Other \_\_\_\_\_

**FINANCIAL**

(✓) (63) The defendant shall not obtain new bank accounts or lines of credit.

(✓) (64) The defendant shall not act in a fiduciary manner on behalf of another person.

( ) (65) The defendant shall not use any identifiers, access devices, or accounts, unless under his/her true name.

(✓) (66) The defendant shall not solicit monies from investors.



AO 199B (Rev. 03/2020) Additional Conditions of Release

Page \_\_\_\_ of \_\_\_\_ Pages

- (☒) (67) The defendant shall disclose financial information as directed by Pretrial Services or the supervising officer.
- ( ) (68) The defendant shall reimburse the Treasury of the United States for the cost of \_\_\_\_\_ (name of attorney) representation at the rate of \$\_\_\_\_\_ per \_\_\_\_\_, payable to the Clerk of the Court for deposit in the Treasury, as follows:

**SEARCH**

- ( ) (69) The defendant shall be subject to search of person, residence and/or vehicle as directed by Pretrial Services or the supervising officer to ensure compliance with these conditions.

**OTHER PROHIBITED ACTIVITIES**

- ( ) (70) The defendant shall refrain from gambling or entering any establishment whose primary business involves gambling activities.
- ( ) (71) The defendant is prohibited from entering any establishment whose primary source of business involves pornography, erotica, or adult entertainment.
- ( ) (72) The defendant shall withdraw from any interest, in any state, that he/she may have in any business which is related to the sale, distribution, manufacture or promotion of marijuana or synthetic marijuana. This includes other dispensaries or paraphernalia stores.
- ( ) (73) The defendant shall not obtain or renew a "medical marijuana" card within the State of Nevada or any other state.
- ( ) (74) All aspects of the \_\_\_\_\_ dispensary shall be closed.
- ( ) (75) All promotion, web sites and advertising associated with the establishment should be discontinued.
- ( ) (76) The defendant shall seek and maintain full time employment outside the field of medical marijuana and hydroponics.
- ( ) (77) The defendant shall have no involvement whatsoever in any medical marijuana program, to include consulting, manufacture, or dispensing of controlled substances, either voluntary or in return for compensation, nor can defendant be involved with individuals seeking a doctor's recommendation.
- ( ) (78) The defendant shall not visit or associate with any hydroponic, paraphernalia or dispensing stores.
- ( ) (79) The defendant shall have no involvement in the referral of medical marijuana.

**OTHER CONDITIONS**

- (☒) (80) The defendant shall abide by other conditions as noted below:

1. The defendant is to report via telephone any instance of COVID-19 symptoms, exposure, and/or quarantine immediately to the supervising officer.

2. The defendant shall comply with the directives of medical, public health, and government officials with respect to a quarantine and/or stay-at-home order.



**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT: EUGENE ELFRANK

2:22-mj-502-EJY

**YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.


If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

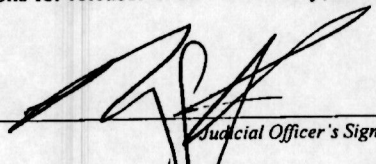
I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

  
 \_\_\_\_\_  
 Defendant's Signature  
 Las Vegas NV  
 \_\_\_\_\_  
 City and State

**Directions to the United States Marshal**

- (☒) The defendant is ORDERED released after processing.  
 ( ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 6/24/2022

  
 \_\_\_\_\_  
 Judicial Officer's Signature  
 NANCY J. KOPPE, U.S. Magistrate Court  
 \_\_\_\_\_  
 Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL



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**U.S. District Court  
Eastern District of TEXAS [LIVE] (Sherman)  
CRIMINAL DOCKET FOR CASE #: 4:22-cr-00153-SDJ-CAN-3**

Case title: USA v. Cross, et al

Date Filed: 06/15/2022

Assigned to: District Judge Sean D. Jordan  
Referred to: Magistrate Judge Christine A.  
Nowak

**Defendant (3)**

**Eugene Elfrank**

**Pending Counts**

**Disposition**

CONSPIRACY TO COMMIT WIRE  
FRAUD

(1)

CONSPIRACY TO COMMIT MONEY  
LAUNDERING

(2)

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

**Disposition**

None

**Highest Offense Level (Terminated)**

None

**Complaints**

**Disposition**

None

**Plaintiff**

USA

represented by **Anand Varadarajan**  
US Attorney's Office - Plano  
101 E Park Blvd  
Suite 500  
Plano, TX 75074  
972-509-1201  
Email: [anand.varadarajan@usdoj.gov](mailto:anand.varadarajan@usdoj.gov)



**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
**Designation: Assistant US Attorney**

**GR Jackson**  
**US Attorney's Office - Plano**  
**101 E Park Blvd**  
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**Plano, TX 75074**  
**972-509-1201**  
**Fax: 972-509-1209**  
**Email: glenn.roque-jackson@usdoj.gov**  
**TERMINATED: 08/22/2022**  
**Designation: Assistant US Attorney**

Date Filed	#	Docket Text
06/15/2022	<u>1</u>	SEALED INDICTMENT as to Jason Bradley Cross (1) count(s) 1, 2, Steven Necoli Book, Jr. (2) count(s) 1, 2, Eugene Elfrank (3) count(s) 1, 2. (mcg) (Entered: 06/16/2022)
06/15/2022	<u>4</u>	E-GOV SEALED Form AO 257 filed as to Eugene Elfrank. (mcg) (Entered: 06/16/2022)
06/15/2022	<u>10</u>	REDACTED INDICTMENT as to Eugene Elfrank. (mcg) (Entered: 06/16/2022)
06/24/2022		Arrest of Eugene Elfrank in District of Nevada (Las Vegas). (mcg) (Entered: 08/23/2022)
06/29/2022	<u>15</u>	NOTICE OF ATTORNEY APPEARANCE GR Jackson appearing for USA. (mcg) (Entered: 06/29/2022)
08/22/2022	<u>34</u>	ORDER granting 33 Motion to Withdraw as Counsel as to Jason Bradley Cross (1), Steven Necoli Book, Jr. (2). IT IS FURTHER ORDERED that the Clerk of the Court shall remove G.R. Jackson from the CM/ECF service list in this case. Signed by Magistrate Judge Christine A. Nowak on 8/22/2022. (mcg) (Entered: 08/22/2022)
08/23/2022	<u>35</u>	Rule 5(c)(3) Documents Received as to Eugene Elfrank. (mcg) (Entered: 08/23/2022)
08/24/2022		NOTICE OF HEARING as to Eugene Elfrank Arraignment set for 9/15/2022 09:30 AM in Ctrm 108 (Plano) before Magistrate Judge Kimberly C Priest Johnson. Defendant see in District of Nevada, Government did not move to detain, defendant on Conditions of Release. (jwam, ) (Entered: 08/24/2022)
09/15/2022	<u>37</u>	Minute Entry for proceedings held before Magistrate Judge Kimberly C Priest Johnson: Arraignment as to Eugene Elfrank not held. Hearing to be reset. Defendant to hire counsel. (jwam, ) (Entered: 09/15/2022)
09/21/2022		NOTICE OF HEARING as to Eugene Elfrank: Arraignment set for 10/4/2022 at 09:10 AM in Ctrm A01 (Sherman - Annex) before Magistrate Judge Christine A. Nowak. (klee, ) (Entered: 09/21/2022)
10/04/2022		Minute Entry for proceedings held before Magistrate Judge Christine A. Nowak: Arraignment NOT HELD as to Eugene Elfrank on 10/4/2022. Defendant did not appear for hearing while on Conditions of Release. Oral motion for bench warrant by USA. Judge ordered bench warrant be issued. Attorney appearance: Anand Varadarajan, AUSA. (Time in court: 10:19am - 10:21am) (mmc) (Entered: 10/04/2022)



Transaction Receipt			
11/18/2022 09:52:59			
<b>PACER Login:</b>	fp0083lvr	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	4:22-cr-00153-SDJ-CAN
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20
<b>Exempt flag:</b>	Exempt	<b>Exempt reason:</b>	Always